

HOUSE BILL 558

M4, G2

7lr1519

By: **Delegates Stull, Bartlett, Bates, Beitzel, Boteler, Cane, G. Clagett, V. Clagett, Eckardt, Elliott, Elmore, Glassman, Haddaway, Hecht, Jameson, Jennings, Kach, Krebs, Kullen, Lawton, Levy, McConkey, McKee, Myers, O'Donnell, Rudolph, Shewell, Smigiel, Sossi, Stifler, Stocksdale, Weir, Weldon, and Wood**

Introduced and read first time: February 7, 2007

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2007

CHAPTER _____

1 AN ACT concerning

2 **Department of Agriculture – ~~Appointment or~~ Employment – Exemption from**
3 **Ethics Restrictions**

4 FOR the purpose of providing that a person who owns or operates a farm that is
5 subject to the regulatory authority of the Department of Agriculture may be
6 ~~appointed Secretary or deputy secretary of the Department or~~ employed by the
7 Department, subject to a certain restriction; requiring the Department, in
8 consultation with the State Ethics Commission, to adopt certain regulations;
9 and generally relating to ~~appointment to or~~ employment with the Department of
10 Agriculture.

11 BY repealing and reenacting, with amendments,
12 Article – Agriculture
13 Section 2–102
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Agriculture**

4 2-102.

5 (a) The head of the Department is the Secretary of Agriculture, who shall be
6 appointed by the Governor, with the advice and consent of the Senate.

7 (b) The Secretary shall receive the salary provided in the State budget. He
8 serves at the pleasure of the Governor and is responsible directly to the Governor. The
9 Secretary shall counsel and advise the Governor on all matters assigned to the
10 Department of Agriculture and is responsible for carrying out the Governor's policies
11 with respect to these matters. The Secretary shall be responsible for the operation of
12 the Department and shall establish guidelines and procedures to promote the orderly
13 and efficient administration of the Department.

14 (c) The Secretary, with the approval of the Governor, shall appoint a deputy
15 secretary who has the duties provided by law or delegated by the Secretary. The
16 deputy secretary serves at the pleasure of the Secretary and shall receive the salary
17 provided in the State budget.

18 (d) (1) (i) The Secretary also shall have within the Department
19 assistants, professional consultants, and employees as provided in the State budget.

20 (ii) Assistants in charge of areas of responsibility and
21 professional consultants shall be in the executive service, management service, or
22 special appointments in the State Personnel Management System and shall serve at
23 the pleasure of the Secretary.

24 (iii) Wherever it is provided by law that the Secretary makes an
25 appointment to a particular office within the Department with the approval of the
26 Governor, the Secretary may not remove the appointee without first obtaining the
27 Governor's approval.

28 (2) Except as otherwise provided by law, the Secretary shall appoint
29 and remove all other personnel in accordance with the provisions of the State
30 Personnel and Pensions Article.

31 (3) The Secretary may delegate the authority to appoint and remove
32 personnel of any unit to the administrator of the unit.

1 **(E) (1) NOTWITHSTANDING THE PROVISIONS OF §§ 15-502 THROUGH**
 2 **15-504 OF THE STATE GOVERNMENT ARTICLE, AN INDIVIDUAL WHO OWNS OR**
 3 **OPERATES A FARM THAT IS SUBJECT TO THE REGULATORY AUTHORITY OF THE**
 4 **DEPARTMENT MAY BE ~~APPOINTED AS SECRETARY OR DEPUTY SECRETARY OF~~**
 5 **~~THE DEPARTMENT OR~~ EMPLOYED WITHIN THE DEPARTMENT, IF THE**
 6 **INDIVIDUAL, WITH RESPECT TO THE FARM ACTIVITIES OF THE INDIVIDUAL'S**
 7 **FARM, DOES NOT EXERCISE ANY REGULATORY OR SUPERVISORY AUTHORITY IN**
 8 **THE INDIVIDUAL'S CAPACITY AS AN EMPLOYEE ~~OR APPOINTEE~~ OF THE**
 9 **DEPARTMENT.**

10 **(2) THE DEPARTMENT, IN CONSULTATION WITH THE STATE**
 11 **ETHICS COMMISSION, SHALL ADOPT REGULATIONS TO GOVERN CONFLICTS OF**
 12 **INTEREST WITH RESPECT TO EMPLOYMENT OF INDIVIDUALS WHO OWN OR**
 13 **OPERATE A FARM UNDER THIS SUBSECTION.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 15 October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.